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June 21, 2024

**VIA ECF FILING**

Honorable John G. Koeltl, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street Chambers 1030  
New York, New York 10007

**LETTER MOTION – REQUEST  
FOR ADJOURNMENT OF  
MOTION PRACTICE**

**Re: Colony Insurance Company and Unity Construction Services, Inc.  
v. Hudson Insurance Company and Merchants Mutual  
Insurance Company  
Civil Action No.: 23-cv-08750 (JGK) (JLC)  
Our File No.: 835/466**

Dear District Judge Koeltl:

In accordance with Your Honor's Individual Practices Rule 1E, defendant Hudson Excess Insurance Company ("Hudson Excess") with the consent of plaintiffs Colony Insurance Company and Unity Construction Services, Inc. ("Colony"/Unity") and defendant Merchants Mutual Insurance Company ("Merchants") submit this letter application to request revision of the in effect briefing schedule on the pending motion practice.

Presently before the Court are Colony/Unity's motion for partial summary judgment on the duty to defend and Hudson Excess' motion for dismissal of Colony/Unity's second amended complaint and Merchants' cross-claims. The current briefing schedule set by the Court requires all responses to be filed no later than July 8, 2024; and replies no later than July 22, 2024. [Doc. Ent. 62].

By this application and for the reasons expressed herein, the litigants request the following modified briefing schedule:

1. All responses due no later than July 24, 2024;
2. All replies due no later than August 12, 2024.

The basis for the application to revise the briefing schedule is as follows. Hudson Excess' counsel did not initially realize the (holiday) week of July 1, 2024, is an abbreviated two and a half day work week at Melito & Adolfsen with minimal staffing due to pre planned vacations. Additionally, the undersigned, Hudson Excess' counsel of record for this action, will commence trial on July 15, 2024,

**APPLICATION GRANTED  
SO ORDERED**

6/29/24   
John G. Koeltl, U.S.D.J.

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in the Superior Court of New Jersey, Law Division, Somerset County on "Grant v. American Airlines Inc.", SOM-L-1065-18. That trial will run at least six days from jury selection to verdict.

Additionally, counsel of record for Colony/Unity has a preplanned vacation for July 22, 2024 to July 28, 2024. Merchants Mutual's counsel of record has CLE training from July 28, 2024 to August 3, 2024, and thereafter, vacation until August 7, 2024. All litigants collaborated to accommodate the scheduling conflicts reached a consensus, that with this Court's approval, is equitable and ensures all sides have the ability to thoroughly address the motion practice.

There have been no previous requests for adjournments or extensions on the motion practice. As noted, all counsel consent to the proposed modified briefing schedule.

For the reasons set forth, the parties respectfully request Your Honor adjust the briefing schedule with responses due for filing no later than July 24, 2024; and replies due for filing no later than August 12, 2024.

The parties thank the Court for its courtesy and cooperation and await further guidance.

Very truly yours,

  
Steven I. Lewbel

SIL/tl

cc: Ignatius John Melito, Esq.

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